

**MINUTES OF THE  
AUBURN CITY PLANNING COMMISSION MEETING  
November 16, 2010**

The regular session of the Auburn City Planning Commission was called to order on November 16, 2010 at 6:00 p.m. by Chairman Spokely in the Council Chambers, 1225 Lincoln Way, Auburn, California.

**COMMISSIONERS PRESENT:** Snyder, Spokely, Worthington, and Young

**COMMISSIONERS ABSENT:** Vitas

**STAFF PRESENT:** Reg Murray, Senior Planner  
Adrienne Graham, Consulting Planner  
Will Wong, Community Development Director  
Michael Colantuono, City Attorney

**I. CALL TO ORDER**

**II. PLEDGE OF ALLIGIENCE**

**III. APPROVAL OF MINUTES**

None

**IV. PUBLIC COMMENT**

Jack Sanchez, 367 Larkin Lane began stated that he'd met with City staff regarding the Auburn waste water treatment plant, and that based on the information he gathered from that meeting, he now knows that the plant does not pollute Auburn Ravine and he recommends that the City keep local control of the waste water treatment plant. Mr. Sanchez also wanted to provide his endorsement of several components of the Baltimore Ravine Specific Plan (BRSP).

Chair Spokely directed Mr. Sanchez to present his comments about the BRSP components during the public hearing for the BRSP.

**V. PUBLIC HEARING ITEMS**

**A. BALTIMORE RAVINE SPECIFIC PLAN (BRSP) AND STUDY AREA PROJECT.** The applicant requests approval of the Baltimore Ravine Specific Plan (BRSP) and Study Area project, which is proposed for the 406-acre Urban Reserve area situated in southwest Auburn. Approval of the proposal includes certification of the project Environmental Impact Report (including the Final EIR, Mitigation Monitoring Program, and the Findings of Fact and Statement of Overriding

Considerations), adoption of a Specific Plan (the BRSP), adoption of a General Plan Amendment, approval of a Rezone, approval of a Large Lot Tentative Subdivision Map, approval of a Development Agreement, and adoption of Statement of Reasons for Permitting Development within a Mineral Resource Zone.

Planner Adrienne Graham gave her staff report on the Baltimore Ravine Specific Plan and Study Areas project, noting that the purpose of the meeting is to review the documents made available since the September 21<sup>st</sup> Planning Commission hearing, discuss the issues raised by the Commission at the September 21<sup>st</sup> hearing, and take action on the project. Planner Graham reviewed the new environmental documents, which included the Final Environmental Impact Report (FEIR), Mitigation Monitoring Program, Findings of Fact, and Statement of Overriding Consideration. She also discussed modifications to the development agreement associated with new deal points between the City and the applicant, as well as the Resolutions prepared by staff to enable the Planning Commission to take action on the project.

Planner Graham also reviewed the issue of access options into to the BRSP. The summary included the characteristics associated with, and the advantages and disadvantages of, several access options considered for the plan, including Herdal Drive; the Maidu extension; May Perry Drive; the Pacific Street extension; south of Pacific Street; Tea Lane; and the High Street extension.

Chair Spokely asked about the difference in the length of the bridge spans between the Herdal Drive extension (70') and for the Maidu extension (400').

Planner Graham noted that the difference was because Herdal crossed at the narrowest point, while the Maidu extension is located south of the cut and would need to span a much larger distance.

Commissioner Worthington asked if the access easement that the applicant has on Herdal Drive is only for Herdal Drive.

Planner Graham confirmed that the easement was only for Herdal Drive.

Commissioner Worthington asked if the Herdal Drive bridge would require review by Union Pacific Railroad (UPRR).

Planner Graham confirmed that UPRR would need to approve the bridge design.

Ken Anderson, K.D. Anderson & Associates, the City's traffic engineer for the project, addressed the Planning Commission regarding traffic issues. Mr. Anderson stated that a comprehensive traffic study had been prepared for the project and that the overall conclusion of the study was that traffic impacts can be mitigated to a less than significant level.

Mr. Anderson reviewed three items that were raised at the September 21, 2010 Planning Commission hearing, which included issues associated with Herdal Drive,

Indian Hill Road, and the Mercy Auburn Senior Apartment project proposed on Sacramento Street.

Mr. Anderson reviewed the physical characteristics of Herdal Drive. He noted that the real issue raised was whether the design of Herdal Drive is adequate for the purpose of the project traffic. Mr. Anderson reviewed traffic evaluation methodologies; what makes an urban road adequate; what Levels of Service (LOS) means; the operations at major intersections; side street access; and the carrying capacity of roads between major intersections. He reviewed the operation of Herdal Drive and the Herdal/Auburn Folsom intersection, under existing circumstances and with buildout of the BRSP. Mr. Anderson reviewed traffic volumes anticipated on Herdal as a result of the project and noted that persons in the adjacent neighborhoods along Herdal will experience changes, including increased time to make turns onto Herdal, but the Herdal roadway is designed to handle the traffic volume projected with the BRSP. He noted that the EIR includes mitigation measures for the Herdal/Auburn Folsom intersection which insures that it meets the City's LOS standard.

Mr. Anderson next reviewed Indian Hill Road, noting that a portion of the road is located in City limits and a portion extends beyond the City limits to the west. He identified three issues raised at the prior Commission hearing - capacity, LOS, and safety. For the road section in the City, the neighbors in the Grand Oaks subdivision expressed concern about not being able to turn onto Indian Hill Road. The Grand Oaks intersections were not evaluated in the project EIR, but staff did conduct an additional investigation given the neighbor comments. The additional review noted that the LOS for turning onto IHR would be LOS C, which meets City standards.

Mr. Anderson commented that safety was also a concern expressed by neighbors for that portion of Indian Hill Road that is situated beyond the City limits in Placer County. Indian Hill Road west of Auburn is not designed the same, it is a two-lane road that does not include turn pockets and has some sight distance limitations due to the road alignment.

Mr. Anderson noted that the project EIR included a review of the accident history on Indian Hill Road, including Hoyer Lane, and acknowledged the fatality that occurred several years ago. He commented that the project would add traffic through the intersection, but the additional traffic doesn't appreciably change anything about the intersection. The City looked at the County's funding mechanism for making changes along Indian Hill Road, including Hoyer Lane. The County has a benefit area (the Auburn Bowman Area benefit) and is collecting monies for improvements, however, the County's existing funding isn't enough to cover the costs of all the projects in the benefit area. In addition, the County has other priorities and has no plans to improve this stretch of road.

Mr. Anderson reviewed the third traffic-related issue raised at the September 21<sup>st</sup> hearing, the Mercy Auburn Senior project and whether that project had been

contemplated in the project EIR. He noted that the project is a relatively small, senior project and that seniors don't typically drive as much, resulting in lower traffic counts. Mr. Anderson commented that the cumulative analysis in the EIR included growth projections for all roads in this area, and the small amount of traffic from the Mercy project falls within the projections for the roads. In addition, a separate traffic study was done for the Mercy project and it conservatively put its project trips on top of the BRSP traffic, with the result being that the additional traffic did not change the BRSP conclusions.

Commissioner Worthington questioned the assumption that 60% of project traffic will use Auburn Folsom Road and asked how that split in traffic was derived.

Mr. Anderson reviewed the factors that traffic engineers use to determine the split in traffic, including land use and distance traveled.

Commissioner Worthington stated she doesn't believe that 40% of project traffic would use Werner Road, due to distance, road conditions, and the at-grade rail crossing.

Planner Graham noted that the rail crossing will be above grade, not at-grade, that Werner Road will be improved, and that more units are included in Future Plan Area 2 than in Plan Area 1.

Commissioner Snyder asked if Werner Road would be lighted.

Planner Graham noted that Werner Road would be lighted at intersections consistent with City standards.

Commissioner Worthington asked what the LOS standard was for Indian Hill Road in Placer County.

Mr. Anderson stated that the County's standard in urban areas is LOS D, and in rural areas is LOS C. The cumulative impacts in the County associated with the BRSP project are not significant because the County has improvements planned for the road in the long-term.

Commissioner Snyder asked whether the numbers in the traffic study were "actual" numbers and not theoretical.

Mr. Anderson noted that the setting is based on actual traffic counts (i.e. data collected "on the ground").

Commissioner Young commented that the EIR indicates that the Herdal/Auburn Folsom intersection is currently LOS B and that it will operate at LOS E at build-out of Plan Area 1. He inquired as to when the striping for the Herdal/Auburn Folsom intersection would be required.

Mr. Anderson noted that the impact generating the need for the striping comes with build-out of Future Plan Area 2.

Commissioner Young clarified that with the mitigation, the LOS would improve to LOS D, which is the City's minimum.

Chair Spokely asked if the Auburn Bowman Benefit Area in Placer County related to impact fees.

Mr. Anderson confirmed that it does.

Chair Spokely asked if the BRSP project would contribute to the Auburn Bowman fee program.

Mr. Anderson stated that it would not.

Chair Spokely noted that Caltrans commented about an inconsistency with the traffic study and sought verification that the numbers in the study were correct despite a typo in an equation.

Mr. Anderson confirmed that there was a typo in the formula, but that the numbers and the results were correct.

Ms. Denise Jurich, the project archeologist with PBS&J, addressed the Planning Commission. She provided an overview of the archaeological survey prepared for the BRSP project. Ms. Jurich noted that the archeological survey complies with the California Environmental Quality Act and that the survey complies with State recording requirements. She identified the background research, archival research, and literature review performed for the study.

Ms. Jurich commented that as part of Native American consultation, she contacted the Native America Heritage Commission (NAHC), as well as the individuals on the NAHC list, including tribal administrator Greg Baker with the United Auburn Indian Community. Ms. Jurich noted that a pedestrian survey of the site was performed, and that the site walk was conducted with two Native Americans from the UAIC. She also noted that the City received a letter from Greg Baker with the UAIC stating that the archeological report met State and Federal compliance standards, and that the UAIC concurred with the findings and mitigation in the report.

Commissioner Worthington noted that comments have been made that proper contact with Native Americans was not made, and asked Ms. Jurich to clarify what contact had occurred in conjunction with the study.

Ms. Jurich stated that the NAHC was contacted as required, that the NAHC provided PBS&J with a list of Native American contacts, and that PBS&J then contacted the individuals from that list.

Commissioner Worthington asked how often the NAHC list is updated by NAHC.

Ms. Jurich stated that NAHC updates the list each time someone applies to be put on the NAHC list.

Commissioner Worthington asked how the people on the list were contacted.

Ms. Jurich reviewed the procedure for contacting persons on the list.

Commissioner Worthington asked about the areas referred to in the EIR as being worth of resurvey and how these areas marked, preserved, or set aside so that they can be re-identified.

Ms. Jurich noted that they are identified on a topographic map as part of the record.

Commissioner Worthington suggested that the resurvey areas be marked or identified in a different manner to insure that possible resources aren't destroyed.

Planner Graham commented that the EIR includes an exhibit which already identifies the areas where a resurvey is required, and noted that the mitigation in the EIR requires that the additional resurvey work occurs before any ground disturbance.

Commissioner Worthington recommended that a training meeting be held with construction workers to review archeological issues instead of providing an archeological pamphlet.

Planner Graham responded to that concern, commenting that if natural resources are found during construction, Mitigation Measure 5.4-2 requires that all work comply with the standard professional procedures from the Public Resources Code.

Chair Spokely asked Ms. Jurich whether, during her work with the UAIC, there had been any discussions regarding any known or suspected burial grounds?

Ms. Jurich stated that UAIC had not mentioned any concern regarding burial sites during consultation or the site visits.

Commissioner Worthington asked a general question about the Findings of Facts and Statement of Overriding Consideration. She noted that several mitigation measures were deferred until construction of Future Plan Area 2, and asked how the deferral of the mitigation is determined.

Planner Graham stated that the EIR is set up to provide an analysis for the full project impact and associated mitigation, and then an additional analysis just for Plan Area 1. So, if the impact isn't occurring under Plan Area 1, then the mitigation wouldn't be necessary until Future Plan Area 2.

Commissioner Worthington asked if a percentage is applied where both Plan Areas were seen to contribute?

Planner Graham noted that the impacts could typically be differentiated between the two plan areas, and in many cases they are applied to both plan areas.

Commissioner Worthington inquired about a mitigation measure in the Transportation section where the applicant for Future Plan Area 2 would provide mitigation for a signal at the Newcastle interchange. She asked how we would enforce that mitigation measure since it involves other agencies.

Planner Graham commented that the mitigation measure was determined significant and unavoidable for that very reason. Since the City doesn't have a reciprocal fee agreement with the County or Caltrans, if or when we do, then the applicant will fund or install the improvement. In that case, the project will pay its fair share.

Traffic Engineer Anderson addressed the Commission and commented that mitigation can be charged on a fair share basis for the project's part of the impact, but you can't guarantee that the County or Caltrans will install the improvement (i.e. the Newcastle signal).

Commissioner Worthington stated that she wants to see the improvements, not just the collection or transfer of funds. How can we strengthen the language?

Planner Graham reiterated that the City cannot compel the County or Caltrans to construct the Newcastle signal. If we can reach an agreement with them, then the City will collect the fee and require the installation of that improvement. The EIR is designed to recognize an impact and indicate where there is a solution with specific mitigation. It also acknowledges that while there's a solution that requires coordination with other agencies, the City alone cannot insure that it's implemented. Because implementation requires consultation and interaction with other agencies, the mitigation cannot be guaranteed, so the mitigation measure is identified as a significant and unavoidable impact.

Commissioner Worthington asked if we're taking a risk that the fee won't be collected due to the confusion about jurisdiction.

Planner Graham stated that the interest is insuring an equitable application of the fee and that we have examples of these types of agreements between agencies.

Commissioner Worthington thought that this type of partnership is a worthy goal.

Planner Graham indicated that the County has indicated their willingness to talk about this.

Commissioner Snyder commented that cooperation can be achieved, but that it cannot be guaranteed.

Director Wong stated that the City and County have cooperated in the past for projects such as Hwy 49 improvements and opening up Locksley Lane. Staff strives for cooperation, though this issue will be a policy decision for Council and the County.

City Attorney Colantuono asked whether the County had proposed any mitigation measures for its protection with respect to traffic on this project?

Director Wong responded that it had not.

City Attorney Colantuono stated that the purpose of mitigation measures and conditions of approval is for the City to use its power to order the applicant to do things, so the conditions can only be the things that are within our power to order them to do, which means things they have the power to do. When there's a third party that can't be controlled, we have much less ability to order that third party to do something. If the County had established a fee program that would cover mitigation of this intersection, it would be easy, it would be a closed mitigation measure that says "pay that fee". The applicant pays the fee and we turn it over to the County and the County would be responsible for the mitigation. Similarly, if we had a cooperative fee program by which the City could collect the fee for purposes of improving the County intersection, we could do the same thing. The County's silence is unusual and creates a puzzle for the City. We have to mitigate the impact to the extent it's feasible to do so without ordering someone who's not participating to do something, or ordering the applicant to do something that's not within his power to do. The current mitigation measure is good but it does put the burden on the two jurisdictions to make the private obligation enforceable by reaching an agreement.

Planner Graham commented that Placer County did review the Traffic section and we had some early consultation with them and they are aware of the mitigation, they just chose not to comment on the EIR.

Commissioner Worthington commented that the Auburn/Bowman capital improvement plan appeared rough and it led her to question whether the signal project would be constructed as part of the capital improvement schedule.

Commissioner Worthington asked about the mitigation measure proposed for wetlands, specifically, why does the measure require the applicant to obtain a 404-permit and/or streambed alteration permit when it should already be known whether or not those permits would be required based on the wetlands studies performed for the EIR.

Planner Graham indicated that specific impacts to wetlands have not been determined at this time because project-level plans have not been developed yet,



therefore, we don't know the footprint of development and what wetlands can or can't be avoided at this time.

Commissioner Worthington asked whether the internal circulation was set for the large lot map, and if approval of the large lot map only included the access points.

Planner Graham noted that the only wetlands in Plan Area 1 are essentially on Parcel 11, which are one-acre lots, with additional wetlands in Future Plan Area 2 and the Study Areas.

Commissioner Snyder commented about the wetlands on the one-acre lots, noting that due to the size of the lots development can be set back from the wetlands to avoid potential impacts.

Planner Graham noted that once the applicant has determined what the actual development footprint will be, at that time we'll know whether or not there is an infringement on the wetlands and whether or not a 404-permit and/or streambed alteration permit is necessary.

Commissioner Worthington asked if the one main alignment for the Herdal/Werner Connector, with the access points, would be part of the Commission's approval for the large lot map.

Planner Graham stated she did not think that there were any wetlands in that alignment.

Commissioner Snyder commented that things can move a little bit as long as they substantially comply with the original approval.

Chair Spokely noted that Resolution 10-13 refers to a specific plan amendment.

City Attorney Colantuono clarified that the resolution is for adoption of the specific plan.

Chair Spokely asked what the mechanism would be for the County to impose additional conditions related to unknown impacts, such as for the improvements to Werner Road?

Planner Graham noted that the applicant will need an encroachment permit from the County for the improvements constructed in the County. The County could impose additional conditions, but we would anticipate that they would be standard requirements. In addition, a lot of biological and cultural survey work has already been conducted and the County is aware of that work.

Chair Spokely asked if the County could impose additional impact fees on the applicant when he submits improvement plans for the roads in the County?

Planner Graham noted that the County would need to draw their own conclusions with respect to CEQA clearance, they would presumably use the project EIR to do that, and they would likely focus on the impacts that were more specific to them.

Chair Spokely asked about Bloomer Cut and whether UPRR could put in a second line through the cut.

Planner Graham replied that the 70-foot span requested by UPRR would be sufficient for a second line, though we are not aware of any plans for a second line at this time.

Chair Spokely noted that the cultural resource specialist said that Bloomer Cut was eligible for listing on the National Register of Historic Places. He questioned whether being listed on the Register would preclude a crossing from being constructed over the cut in any way?

Planner Graham stated that the PBS&J historians looked at that issue in detail and concluded that the bridge over the cut, which would not touch the cut itself, would not change the cut's eligibility for listing on the National Register, so it would remain a historically significant property that was still eligible for listing.

Chair Spokely asked for confirmation that the project will pay for all of the sewer infrastructure costs associated with the project and that none of the costs would be transferred to City residents.

Planner Graham replied that was the case.

Commissioner Snyder indicated that was the case for all pump stations in the City.

Chair Spokely noted that Mitigation Measure 5.10-6 requires the applicant to pay for a new south Auburn pump station and wanted to reiterate that the applicant will pay for it. He raised the question because the pump station in his Vintage Oaks neighborhood was just upgraded and wanted to know whether the upgrade was funded by the benefit area or the City.

City Engineer Jack Warren stated that the Vintage Oaks lift station upgrade was funded by the City.

Chair Spokely commented that this project has a number of lift stations, and as these facilities age, their maintenance will become a burden on the City.

Commissioner Snyder stated that the beneficiaries of the pump station pay for the maintenance of the lift stations on their tax bills.

City Engineer Warren confirmed Commissioner Snyder's comments, and noted that for the Vintage Oaks Lift Station there was not enough collected through the years

to cover all of the costs, which resulted in the City's contribution to the recent upgrade.

Chair Spokely asked whether a new "tier" in the sewer assessment would be necessary to insure that all costs are adequately covered.

City Engineer Warren indicated that staff could look at that.

Commissioner Snyder commented that the sewer improvements in Auburn are paid for by an enterprise fund, which is separate from the General Fund.

Chair Spokely closed the hearing for a five minute break.

Chair Spokely reopened the hearing at 7:45 p.m. and invited the project applicant to address the Commission.

Stephen Des Jardins, applicant, responded to questions that arose earlier in the hearing. Several questions were asked about the development agreement (Tab O of the Commission binders). Staff has been sure that the applicant pays for everything. The DA includes several far reaching statements that say we'll pay. If the Commission wants to add language to include any fee agreements with the County, the applicant has no objections.

Regarding wetlands, the request before you this evening is just for Plan Area 1. We do not have any wetlands for any the improvements in Plan Area 1, with the possible exception of Parcel 11, which is far away; so we don't need a 404 permit for our infrastructure. This makes this site very attractive for development.

With regard to traffic, for just Plan Area 1, staff has said LOS B for the questions that had been asked, such as intersection level of service. So, Plan Area 1 does not have a very large impact. This is easy to understand when you look at the Table 3-2 in the Specific Plan, which shows the number of units in Plan Area 1 is 270 on the upper plateau. Plan Area 2 on the lower plateau is 455 units. Therefore, what the document has done is separate these impacts because they were specific impacts to Plan Area 2. But what staff has done is asked us to not just look at Plan Area 1, but to look at the whole big picture. This could get confusing, because there are no areas of concern for traffic Plan Area 1. At some point in the future, looking at Plan Area 2 you have LOS D, but at this point it's just Plan Area 1 and that's LOS B.

Regarding cultural resources, I think we can take great comfort in the EIR document. On Page 5.4-28 is Mitigation Measure 5.4-2. This measure says we must do additional surveys before any grading is done, so this should address Ms Worthington's concern about affecting things you can't see. Also, the exhibit on the following page shows that most of the property was surveyed, leaving only a small area of the site unsurveyed.

The City went out with the UAIC representatives, which is appropriate since they live adjacent to the site. The NOP for the project has been out there a couple years, and during that time we haven't been contacted by others who were interested. There were multiple contacts with the UAIC. They provided a letter where they agree with the project and the mitigation measures.

In regards to Bloomer Cut and the spreadsheet showing the other access points, the table doesn't show the total span of the multiple bridges over the internal ravines. Also, you don't own the right of way, you have new neighbors that would be impacts, and more visual resources are affected. Initial plans have already been submitted to the UPRR for the bridge crossings and we met onsite with the railroad. We were given the okay to process these locations, with the only comment from the railroad being that we had to make the span 70' over Bloomer Cut so that they could double track the line in that area if they need to in the future. If we have to go back to different option, then we go back to the beginning of the process. Plus, we have other issues such as acquiring right of way, eminent domain, lawsuits, wetlands, and dramatic differences in environmental impacts.

Back to traffic and the comment about the 60/40 split in trip distribution. That is a non-issue right now since only Plan Area 1 is being considered for approval right now. And Plan Area 1 by itself is LOS B.

Regarding additional fees, if there is a desire to move forward on a joint effort for fees, there's time to do so. If I turned in plans tomorrow, there's more than a year of plan check preparation and review. So, you have time to develop these joint efforts. I've been part of them in the past and I'd be happy to participate. Certainly, we'll pay our fair share.

Mr. Des Jardins noted that he's conducted additional tours of the site. People's perceptions of the property before and after the tour are markedly different, particularly with respect to what they can and can't see. The tours have been an important tool and he offered to make tours available for those who want to go.

Mr. Des Jardins wrapped up his comments by noting that the project has been endorsed by the Sierra Club, which is one of only two projects that this chapter of the Sierra Club has ever endorsed. He also corrected a comment from the September 21<sup>st</sup> hearing, noting that the project has the personal support of Mike McKeever, a director at the Sacramento Area Council of Governments, but not SACOG itself.

Commissioner Snyder asked Mr. Des Jardins if he's seen SACOG endorse projects.

Mr. Des Jardins stated that he didn't know, but that doesn't mean that has not occurred.

Commissioner Young inquired about finding remains onsite and noted the process currently in place, including the provision of a pamphlet, but likes the idea to require training.

Mr. Des Jardins agreed that pre-construction meetings would be beneficial and would augment the provision of the pamphlets.

Commissioner Snyder noted that there is appropriate language in the air quality section that could be used for this purpose.

Mr. Des Jardins reiterated his support for pre-construction meetings.

Chair Spokely called Barbara Murphy to the podium.

Barbara Murphy, 11075 Oak View Terrace, Auburn, addressed the Commission. She lives in one of the 74 homes that currently use Herdal Drive. In going to an appointment earlier today, she considered the LOS at the stoplight to be LOS “U” for Unsatisfactory. This was because a maintenance truck was in Herdal Drive blocking the road. What type of impact would this have when all the new homes are in and folks are trying to go to work in the morning? She recognizes that we use charts and terms like LOS, but the reality is that things happen, so she can’t condone putting in 270 new homes without a second means of access, and that second access doesn’t come until Plan Area 2.

Chair Spokely asked staff to clarify the provision of secondary access.

Planner Graham commented that secondary access is provided with the sixth building permit.

Chair Spokely noted that an secondary access is provided with the sixth permit and a more formal secondary access, the full Herdal-Werner Connector, is provided with the seventy-sixth building permit.

Ms. Murphy asked whether the secondary access meant that the access would be blocked in some fashion or open all the time.

Planner Graham stated the access is open all the time, so if someone can’t go through Herdal, they could go the back way out through Rogers Lane to Werner Road to Ophir Road.

Ms. Murphy commented that that makes a huge difference and takes care of her point that you have to have emergency access.

Commissioner Worthington asked staff if Perry Ranch Road was also an emergency access?

Planner Murray reviewed the means of access for the project. The Herdal Drive extension serves as the primary access to Auburn Folsom Road. The temporary secondary access extends from the Herdal Extension through Street D and Rogers Lane to Werner Road. The full connection of secondary access via the Herdal Werner Connector occurs with the 76<sup>th</sup> building permit. Perry Ranch Road provides emergency access at all times. So there are three points of access points, two regular means of access and one emergency access.

Chair Spokely asked if they are open all the time.

Planner Murray concurred.

Mark Smith, 100 Pinecrest Avenue, Auburn, come to the podium and distributed a map to the Commission. Mr. Smith noted that he has five concerns regarding the project. The map provided to the Commission identifies the project, as well as planned or approved subdivisions around the project. There are a total of 18 projects in the City of Auburn, of which 12 are in the south auburn area and within a mile of the project. The amount of homes for the 12 subdivisions will result in 454 additional homes. You can do the math on the impact on traffic and how many cars will be coming in and out with all these additional homes.

Mr. Smith then reviewed several of the subdivisions identified on the map and the number of lots remaining to be built. He indicated that his concern with these projects was that they are currently cumulative to the numbers being introduced for the BRSP project. He also expressed his concern about the schools. Of the three schools where this project will happen, two of the schools, Placer High School and Skyridge Elementary, do not have the capacity to accommodate the number of students under the full Project, but also doesn't have enough for phase one. He requested that the Commission verify that the Project has the room, especially with the other projects we have. This would be an impact to our school system. Mr. Smith stated that he did not believe that the one time collection of Sterling fees would cover the cost of school impacts.

Mr. Smith's other concern is roads and traffic impacts on Auburn Folsom. No one has addressed the impacts we have at the Fairgrounds or in our community and they aren't accounted for in the traffic analysis that's been prepared. Mr. Smith doesn't believe the traffic studies are 100% correct. Mr. Smith questioned a comment in the report identifying Auburn Folsom as a five-lane road. Mr. Smith noted that the traffic report included analyses of the AM Peak and PM Peak, but that it didn't include times when school was letting out. He also noted that the time of the study was from three years ago. Mr. Smith expressed concern about the levels of service at several intersections, including Nevada Street & Placer and Maple Street. He indicated that he understand that LOS D is the City's standard, but felt we won't be able to drive around if we continue to plan to that level of service. Mr. Smith commented that we need to severely look at how we're planning our community and make sure that these additional twelve projects are not going to impact our community in addition to an overload with the Baltimore Ravine project.

Mr. Smith also commented on his concern for law enforcement, indicating that the report says we have 22 officers, but the City currently has only. He questioned whether the City would be able to handle the Project's 725 new homes along with the remaining 454 homes in the south Auburn area.

Mr. Smith also expressed his concern regarding fire protection and public utilities. As long as the new developments pay for their hookups the City is okay, but over time they may try to mitigate or do some sort of fee against the City which would affect the residents of Auburn by taxing them more. If it's not specifically stated that the developer will be charged, Mr. Smith suspects the cost will come back to the public sooner or later.

Mr. Smith commented that this project, by comparison of home capacity, is 3.5 times the size of Vintage Oaks, 6.85 times the size of Southridge, 2.5 times Skyridge, and 10 times the size of the Herdal area. If you want to keep Auburn's small town charm and quality of life for most that moved here, the Commission should take a hard look at this project, because as soon as it gets started it will completely change the landscape of Auburn.

If we want to promote Auburn as the Endurance Capital of the World, and events such as the Tevis Cup, the 100-mile run, and the Amgen event, then we need to concentrate on what's broke in our community first and fix it. We need to take a hard look at our small businesses that are hurting, the vacancies and foreclosures, the streets that are falling apart. When a developer comes in, they tear up our streets with the heavy construction equipment and don't pay any fees to repair them. If you want Auburn to maintain its small town charm, this project isn't for Auburn.

Chair Spokely asked staff if any comments had been received from the school districts.

City Attorney Colantuono responded that State law provides that all the City can do in analyzing the environmental impacts of a project with respect to schools is to require the payment of Sterling Act school fees. This represents a compromise among school districts, Cities, and development industry at the Legislature. So if the developer pays the fees, that's all that the City has the power to require the applicant to do.

Planner Graham added that while the EIR analysis indicated that the schools at present don't have capacity to provide space for all the students if the entire project were to build out, things change over time and we anticipate that the schools would plan for any additional students, such as adding temporary buildings or reopening closed schools. In addition, school enrollments have been falling.

Chair Spokely noted Mr. Smith's comments related to traffic volumes and previously approved projects and pointed out that the traffic analysis in the EIR included those project in the Cumulative plus Project analysis.

Commissioner Worthington asked if special events, like the traffic at the Fairgrounds, were included in the study.

Traffic Engineer Anderson indicated that they were not.

Chair Spokely asked Traffic Engineer Anderson to briefly address why special events are not specifically addressed.

Traffic Engineer Anderson stated that the General Plan sets the standard for what the community is going to consider significant. You can measure every hour of the day for the entire year if you chose to, but your General Plan focuses you on what is going to be significant from a CEQA standpoint. The analysis provided for the project looked at the two periods that are generally considered the worst, the morning peak and the evening peak. That's the standard practice in the industry and the standard practice for anything I've ever done in Auburn. It's safe to say that around schools there are short periods of peak congestion around every school for 15-20 minutes every day, but that's not a condition we've ever looked at for normal development traffic studies in the community. With respect to the Fairgrounds, certainly there are times when the traffic at the entrance to the Fairgrounds is bad. It doesn't happen on a regular basis or during the hours that we looked, and from the standpoint of hybridization of improvements to the City, it isn't something that we look at with normal development projects.

Kim Dahlin, 590 Rogers Lane, Auburn, addressed the Commission. She noted the prior comment about the split in traffic, with 60% using Herdal and 40% utilizing Werner Road. She then expressed her concern that the future Plan Area 2 development would be required to pay the cost for the Newcastle signal. Ms. Dahlin recommended to the Commission that the cost for the signal be shared equally between Plan Area 1 and Future Plan Area 2.

Jim Dahlin, 590 Rogers Lane, Auburn, addressed the Commission. Mr. Dahlin stated that the argument for Phase 2 to be solely responsible for the light is that, without Phase 2, there would be no mitigation necessary. Like Mr. Des Jardins commented earlier, this project is a unit and the EIR is based on Phase 1 and Phase 2. So, the argument stands to that without Phase 1, the mitigation of a signal at the Newcastle exit would not be necessary. Since the applicants for Phase 1 and Phase 2 are jointly responsible for building a bridge over the northern track, we propose that the cost of the Newcastle signal be shared as well if that light becomes necessary.

Alex Fisch, 175 Shields Avenue, Auburn, addressed the Commission and referred to a letter that he had provided earlier. He indicated his agreement with many of the comments made by Mr. Smith, but also noted his focus on the development agreement and how it affects the City in the long run and that the project should not result in adverse physical impacts to the City and it's ability to provide services. South Auburn should not create a drain of service dollars away from the City's core,



which is very important to the financial health of the City and very important part of the attractive feature that draws people to Auburn.

Mr. Fisch stated his major concern is the provision of public services and that they are adequately provided for by the project, not just at the outset, but on an on-going basis. Based on the information provided, fire services appeared to have a \$38,000 annual operating deficit at the buildout of Phase 1. That's a cost that's going to be born City-wide unless there is something in the development agreement that says otherwise.

Mr. Fisch also questioned the Cumulative setting of the EIR and whether or not capital improvements for fire services, such as new stations, new equipment, and the addition of personnel, would be required at the full General Plan buildout, with or without the BRSP Project. He also asked whether the BRSP Project itself causes service level deficiencies that require capital improvements. He felt that the City is at a tipping point with its ability to provide fire services. We are already stretched to the level where we are having difficulty. Where are you going to pull that revenue stream from? Is it going to come out of the road fund? My assertion is that it should come from the project. I see in the development agreement that there is a one time \$38,000 gap fund fee. It's one time only, but it doesn't cover year to year operating revenues.

I think there's also the need to identify the pro rata share of the cost for providing additional facilities for fire. If we're at a point now where this project cumulatively adds to the burden of that service to the extent that you have to provide new facilities, and this is a big project, and keep in mind this is a small city, I think in Phase 1 we have approximately 700 residents with those 270 residential units. That's about 5% of the City's population, with Phase 2 to add on another 8-9%. And you're at 15%. That's a big number; a big deal. That needs to be looked at very critically. I think that that Commission should explore the issue further, perhaps defer it to Council if necessary.

Mr. Fisch also noted that the DA includes provisions for amendment. It says the DA may be amended upon concurrence of the developer and the City. If the City comes back and wants to reconsider funding, the developer can say "no" and you've lost your opportunity. So, either get it now or you don't get it.

I don't want to see a service vacuum in this part of town. I'm thinking community wide benefit. South Auburn is new, that's nice. We have a lot of old deficient facilities down here, roads are in really bad shape. Money is scarce. We're in a different development climate than we were five years ago when everyone assumed that property taxes would continue to rise and new businesses would open. There would be resources for tax revenues, whether it's from sales tax or fuels tax. That's not the case anymore. It's probably not going to be the case in the near future and it may not be the case ever again. We're in a different development climate, and we need to insure the costs are borne by development. That's not to be unfair to Mr. Des Jardins, but it's simply to recognize that we all have to participate in the cost of

services, and those new services sometimes create a larger strain on the existing system than the existing system can bear.

Antoinette Fabela, 395 Huntly Avenue, Auburn, addressed the Commission and stated she agreed with the previous speakers. She also indicated that she had a concern with what wasn't in the development agreement, namely, if the homes don't sell due to the economy, can there be a guarantee about who will maintain the homes that are waiting to be sold? Will that be the responsibility of the developer or the home builder? It would be nice to have that responsibility included in the agreement.

Ms. Fabela addressed several Native American aspects of the EIR. First, she recognized that the UAIC had been contacted and visited the site, but wanted it know that there are Nisenan members who are not part of the UAIC tribe who live in the area and have interest in the site and the project. She also noted that she believes that there are burial grounds on the site, that the nature of the burials qualifies the area as a cemetery, that there are Federal and State regulations that should require the preservation of the site as a cemetery, and what measures was the City going to take to follow those regulations?

Ms. Fabela also referred to Mitigation Measure 5.4-3(b), where it talks about a handbook to be used if items of interest are found. Ms. Fabela appreciated the handbook, but noted the importance of trained Native American monitors and requested that the Commission require the presence of Native American monitors instead. Ms. Fabela also asked if the U.S. Army Corp of Engineers would be involved in the project.

Chair Spokely stated it was uncertain, the first phase apparently won't, though the future phase might.

Eric Byer, 11005 Tanbury Court, Auburn, addressed the Commission with several questions. Is the sewer for this project going to utilize the City's wastewater treatment plan and have there been studies done to account for that flow? He also indicated that he thought the City was getting fined because the effluent from the plant doesn't comply with regulations, so would that problem be corrected before this project went in or as part of this project? Lastly, he thought it was reasonable to require that the homes in the project utilize solar energy, making the project electricity-neutral, and asked if the Commission could require the use of solar energy on the homes in the project.

Chair Spokely asked the applicant, Stephen Des Jardins, to come back to the podium to address questions brought up during public comment.

Mr. Des Jardins appreciated the earlier clarification that the project is served by three access points. In regards to the issue raised by Kim Dahlin about the Newcastle intersection fee, Mr. Des Jardins noted that per the development

agreement, BRI LLC will pay their fare share of any fee that's established to improve the intersection.

Chair Spokely asked if there is a specific condition that requires the costs for associated off-site improvements as a result of the overall project as a whole to be borne by the developers and/or property owners of Plan Area 1 and Plan Area 2, or would that be some sort of private agreement between the owners?

Planner Graham notes that the development agreement commits the applicant for Plan Area 1 to pay the fees the City has in place at the time development occurs, though that is different than the Newcastle intersection costs, which are mitigation requirements of the EIR and also specific to Plan Area 2.

Mr. Des Jardins commented that the EIR is the document to identify impacts, and that fees to mitigate those impacts should be shared on a prorata basis where appropriate, such as impacts based on vehicle trips.

Mr. Des Jardins also noted that Phase 1 is paying the "lion's share" for everything, most notably the costs for processing the specific plan. If the notion of prorata sharing of fees is considered, costs incurred by Plan Area 1 could be shared with the future developer of Plan Area 2, such as the cost for the bridge over Bloomer Cut. Given that cost and fees would likely be based on the number of trips and Plan Area 1 is smaller, the applicant doesn't oppose a prorata approach.

Mr. Des Jardins commented that fees could also change in the future depending on the nature of the development Plan Area 2, as that plan could change between now and the time they approach the City. The City's documents give the City the ability to identify and impose costs based on the impacts of the development at the time that development moves forward. Mr. Des Jardins noted that the development agreement gives the City the appropriate mechanism to address the collection of fees and costs at the proper time.

Mr. Des Jardins addressed the questions raised by Mr. Fisch earlier regarding the annual shortfall identified in the fiscal study. He noted that deal points will be added to the development agreement requiring that the shortfall be addressed on an annual basis.

Mr. Des Jardins also addressed the other deal points that will be added to the development agreement. BRI LLC is required to pay for a study to update the FEP fees as well as a study to establish a General Plan Update fee. Mr. Des Jardins indicated his support for the studies, since the studies will insure that the City collects fees at a level appropriate to the services it provides, and that all projects will pay their fare share.

Mr. Des Jardins noted that the development agreement insures that Plan Area 1 provides certain minimum fees. He also commented that Plan Area 1 pays its own way "and them some", and that no other area in the City has such a commitment.

Mr. Des Jardins responded to questions regarding cultural resources. In regards to the work being performed for cultural work, the environmental document is explicit; Mitigation Measure 5.4-3 uses “shall” for the work, not “may”. In regards to human remains, mitigation is also present and it notes that the City of Auburn must be satisfied about the work occurring. In regards to the possibility of Native American bodies being found on site, no other information has been found or submitted to document any findings; and the upper area of the site is covered by Merhten rock that would make digging for burials very difficult.

Mr. Des Jardins commented about Mr. Sanchez’s comments regarding the City’s sewer plant. He indicated that he met with Mr. Sanchez and staff to discuss the City’s waste water treatment plant, what’s been accomplished at the plant, and fish in the stream.

Mr. Des Jardins responded to the suggestion to require photovoltaic systems. He is opposed to a requirement, but supports efforts to encourage them.

Commissioner Young inquired about the service shortfall of \$38,000, and expressed concern on the negative effect that growth is having on public safety. He asked the applicant if he thought we could get to a point in our community where we could overbuild to a point that we wouldn’t be able to serve it.

Mr. Des Jardins commented that he didn’t think so, as long as the City bases its decisions on conservative fiscal analyses and keeps its fees current to insure that it collects the proper fees for the required services.

Commissioner Young asked for clarification as to whether the \$38,000 fee was a one-time fee.

Mr. Des Jardins confirmed that it was an annual fee. He went on to state his support for fees imposed based on a nexus, indicating that this insures, not only for him, but the City as a whole, that proper fees will be collected now and in the long term to insure adequate services.

Chair Spokely closed the public hearing and opened the item for Commission deliberation.

Commissioner Worthington commented on the extensive review that has occurred during the Planning Commission’s evaluation of the project, noting the documents and studies provided as well as the number of meetings that were held. Commissioner Worthington noted that the City’s standard for traffic is Level of Service (LOS) D, and while she doesn’t like the standard, the project complies with it. She concluded that, based on the great amount of detail provided, the City and its consultants conducted a thorough environmental evaluation of the project.

Commissioner Young stated that he had some initial concerns about the number of homes associated with the project, but after the site tour, felt that you are not going to see the development and that it should be appealing. He commented that the access issue is important and that he didn't want to see Bloomer Cut changed because it is a trophy for our community. Because of this, he looked at all of the access options, and stated that as far as he's concerned, Herdal Drive is the answer for the project. The Herdal access meets the need for public safety much better than any other access point into the project; Herdal is the best way to bring emergency vehicles into that project. Commissioner Young commented that funding for public safety is important, but that it is currently down. The City needs to look at its fees "down the road", and this project might be a good model for future fee structures. He finished by expressing his appreciation for the involvement of the community and the efforts of staff.

Commissioner Snyder stated that there were several important elements when considering the project. The most significant was the issue of access and how to get to the project. The City in the past wisely decided not to do anything without a master plan; postponing discussion for many years and requiring a thorough look at the project that came forward. Commissioner Snyder commended the thoroughness of the study as a reflection of the efforts by staff and the applicant. Based on the review, Herdal Drive access is the logical point of access to the project. Commissioner Snyder commented on the financial impact of the project; he reviewed the development agreement and believes that it insures that fees are studied and that they will get paid. He appreciates the applicant's willingness to pay the fees and feels the City has protections in place with the development agreement to insure the City isn't subsidizing the project. Commissioner Snyder identified that the project has certain benefits. It will bring in a younger demographic; younger families with children. These families will generate new students, which will help our schools that are currently being depopulated.

Chair Spokely commented that his primary concern was circulation and access, but Herdal Drive had been identified as access to the Baltimore Ravine area for many years, and based on the analysis provided, it is apparent that the Herdal access is the best point of access to the plan area. Regarding concerns expressed about traffic and Level of Service, he noted that it is a difficult issue to deal with, but the LOS anticipated with this project is consistent with City standards.

Chair Spokely observed that, each time that a question was raised about an issue, such as burial grounds, the documents prepared for the project provided the answer. He expressed his concern with Bloomer Cut being a historical resource; and struggled with whether it was better for the feature to be available to the public and potentially exposed to vandalism, or whether it should be tucked back where no one can see it. He noted that he can't wait to take his children onto the bridge to show them this amazing feature that was constructed back in the mid 1800's by laborers with pick and shovels.

Chair Spokely stated that the public hasn't seen all efforts that have been a part of the process to date. He noted that when changes were considered by the applicant in regards to density and the number of units for the project, instead of maximizing his opportunity, the applicant did the responsible thing, worked with the topography and reduced the buildable area, even though it meant fewer units. Chair Spokely commented that, at the end of the day, you have a project that fully pays for itself and that has achieved accolades from groups (i.e. the Sierra Club) that one rarely sees, which is another accomplishment for this project and the developer.

Chair Spokely closed Commissioner comments.

Commissioner Snyder made a motion to approve Planning Commission Resolutions 10-12, 10-13, 10-14, and 10-15 as provided in the staff report (and as amended by the deal points from the November 16, 2010 staff memo); Chair Spokely seconded the motion. The Planning Commission voted 4-0 to approve the resolutions, as amended.

The City Attorney clarified the actions taken, noting that the Planning Commission certified the environmental document and approved the map, and provided recommendations to the City Council on all of the other entitlements. Those recommendations have to go to the Council for hearing and action before the project can be approved.

Planner Murray provided clarification about the notification process for the City Council hearing.]

The City Attorney provided clarification regarding the public hearing process.

## **VI. COMMUNITY DEVELOPMENT DEPARTMENT FOLLOW-UP REPORTS**

- A.** City Council Meetings  
None
- B.** Future Planning Commission Meetings  
None
- C.** Reports  
None

## **VII. PLANNING COMMISSION REPORTS**

The purpose of these reports is to provide a forum for Planning Commissioners to bring forth their own ideas to the Commission. No decisions are to be made on these issues. If a Commissioner would like formal action on any of these discussed items, it will be placed on a future Commission agenda.

None

**VIII. FUTURE PLANNING COMMISSION AGENDA ITEMS**

Planning Commissioners will discuss and agree on items and/or projects to be placed on future Commission agendas for the purpose of updating the Commission on the progress of items and/or projects.

None

**IX. ADJOURNMENT**

The meeting adjourned at 9:41 p.m.

Respectfully submitted,

Reg Murray